

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEANNA BAILEY MACK	:	CIVIL ACTION
	:	
v.	:	
	:	
MICHAEL J. ASTRUE	:	NO. 11-2786

ORDER

AND NOW, this 17th day of July, 2012, upon careful and independent consideration of plaintiff Deanna Bailey Mack's brief and statement of issues in support of request for review (docket entry # 8), defendant Michael J. Astrue's response thereto (docket entries¹ # 9 and 11), Mack's reply in support of her request for review (docket entry # 12), and the Honorable Lynne A. Sitarski's thoughtful and well-reasoned report and recommendation (docket entry # 14), to which neither party has filed an objection within the period specified by Loc. R. Civ. P. 72.1 IV (b), and the Court agreeing with Judge Sitarski that (1) the ALJ's decision to give little weight to Exhibit 13F was not based on substantial evidence and (2) the ALJ should have considered probative evidence in Exhibit 21F that conflicted with his conclusions and either accepted it or explained why he

1. Astrue filed two responses to Mack's request for review, but these submissions appear to be identical to one another.

rejected it, but (3) consideration of the remaining sources of error Mack alleges must await remand, it is hereby ORDERED that:

1. The Clerk of Court shall TRANSFER this matter from our Civil Suspense docket to our Active docket;

2. Judge Sitarski's report and recommendation (docket entry # 14) is APPROVED and ADOPTED;

3. Mack's brief and statement of issues in support of request for review (docket entry # 8) is GRANTED IN PART;

4. This case is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with Judge Sitarski's report and recommendation (docket entry # 14); and

5. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.